

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DETENTION ORDER

This action came before the court on October 16, 2015, for a detention hearing under the Bail Reform Act of 1984, 18 U.S.C. § 3142, to determine whether or not defendant Terrance Wilson should be released on conditions or detained without bail.

Defendant Wilson is charged with another person by indictment with possessing one or more firearms in the furtherance of a described drug trafficking crime and in the course of such criminal activity caused the murder of Michael McGill on March 26, 2010 (Count 1) and on July 23, 2010, the murder of Darrion Williams, Jr. (Count 2). The maximum statutory sentences for conviction on each of these alleged offenses include life imprisonment or the death penalty.

On the issue of detention or release, the Bail Reform Act places upon the government a substantial burden.

Only if the government shows by clear and convincing evidence that no release condition or set of conditions will *reasonably assure* the safety of the community and by a preponderance of the evidence that no condition or set of conditions under subsection (c) [of 18 U.S.C. § 3142] will *reasonably assure* the defendant's appearance can a defendant be detained before trial.

United States v. Kisling, 334 F.3d 734, 735 (8th Cir. 2003) (quoting United States v. Orta, 760 F.2d 887, 891 & n. 20 (8th Cir. 1985) (en banc)).

Neither the defendant nor the government took issue with the accuracy of the statement of facts set forth in the written pretrial services report (Doc. 21). The court therefore hereby adopts and incorporates by reference into this detention order the facts set out in that report.

Defendant Wilson is 27 years of age. He was born in St. Louis and has resided here all his life. His mother and his siblings reside in this area. He has not been employed for a substantial period of time, due to periods of incarceration. He has no history of drug or alcohol abuse.

Since age 19, defendant has been convicted of possessing controlled substances, attempted delivery of a controlled substance to a correctional facility, and assault. Also in January 2013, defendant pled guilty to endangering the welfare of a child, resisting arrest, leaving the scene of a motor vehicle accident, and armed criminal action, for which he had been arrested on September 13, 2010.

At the detention hearing the government offered three documentary exhibits, which the court received into evidence without objection. (Gov. Exs. 1, 2, 3.) Exhibit 1 is the Medical Examiner's report of the apparently very violent death of Michael McGill, the subject matter of Count 1 of the instant indictment. Exhibit 2 is the judgment of conviction of defendant Wilson for the four offenses for which he was arrested on September 13, 2010. Exhibit 3 is the police report that describes the violent acts of defendant on September 12, 2010 in fleeing from the St. Louis Police in a motor vehicle. In this flight, defendant entered his vehicle after being ordered by police to remain still, and drove at a high rate of speed, endangering not only his own small child with whom he had been walking but also police officers, ultimately crashing his vehicle into civilian vehicles on a public street.

The potential punishments in this case are most substantial inducements for flight from the jurisdiction of the court.

From this record, the court finds and concludes by clear and convincing evidence that the release of defendant Terrance Wilson upon his own recognizance, an unsecured appearance bond, or any condition of release will not reasonably protect the community from further criminal offenses by defendant and will not reasonably assure the court that he will appear in court when required. 18 U.S.C. § 3142(b), (c).

Whereupon,

IT IS HEREBY ORDERED that the motion of the United States for the pretrial detention of defendant Terrance Wilson is sustained. Defendant is committed to the custody of the United States Marshals Service until further order.

IT IS FURTHER ORDERED that defendant be confined in a corrections facility, separate, to the extent practicable, from persons awaiting trial, serving sentences, or being held in custody pending appeal.

IT IS FURTHER ORDERED that defendant be allowed reasonable opportunity for consultation with counsel.

IT IS FURTHER ORDERED that on order of a court of the United States or on request of an attorney for the United States, the person in charge of the corrections facility in which defendant is confined must deliver defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on October 26, 2015.